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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

Case No 2:10-cv-0106-LRH-PAL

**[PROPOSED] ORDER GRANTING
ORACLE'S SECOND MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Judge: Hon. Larry R. Hicks

[PROPOSED] ORDER

Pending before the Court is the second motion of Plaintiffs Oracle USA, Inc., Oracle America, Inc. and Oracle International Corp. (collectively, “Oracle”) for partial summary judgment (the “Motion”). After full consideration of the moving and opposing papers of each party, the arguments of counsel, and all other matters presented to the Court, and finding that there are no genuine issues of material fact with regard to the issues raised by the Motion, and that Oracle is entitled to judgment as a matter of law,

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. The Motion is GRANTED.
2. Defendant Rimini Street’s (“Rimini’s”) creation and/or use of copies of the following Oracle Database software:

Software	Registration
Oracle 8i Enterprise Edition, Release 2 (8.1.6)	TX 5-222-106
Oracle 9i Database Enterprise Edition, Release 2 (9.2)	TX 5-673-282
Oracle Database 10g Release 1	TX 6-938-648
Oracle Database 10g Release 2	TX 6-942-003
Oracle Database 11g: Release 1	TX 7-324-157
Oracle Database 11g: Release 2	TX 7-324-158

as embodied in the 25 copies of Oracle Database installation media and the 216 installed copies of Oracle Database identified in Exhibits 19-21 to the Motion were in violation of Oracle’s exclusive rights under the Copyright Act. Therefore, Oracle is entitled to relief under its First Claim for Relief (Copyright Infringement) as to these registrations.

3. Rimini’s Second Affirmative Defense (express license) does not excuse the infringement described in paragraph 2.

4. Rimini’s Eighth Affirmative Defense (statute of limitations) does not apply to any of the copyright claims asserted by Oracle in this action.

5. Rimini’s Ninth Affirmative Defense (laches, waiver and estoppel) does not apply to any of the copyright claims asserted by Oracle in this action.

6. Oracle is entitled to judgment in its favor, and Rimini shall take nothing, on Count One of Rimini’s Counterclaims (Defamation, Business Disparagement and Trade Libel).

DATED:

By: _____
Judge, United States District Court